

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 986 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DHIRENDRAKUMAR K TANNA

Versus

HARIJ KELAVANI MANDAL

Appearance:

MR CL SONI for Petitioner
MR VM PANCHOLI for Respondents No.3, 4
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/03/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Leaving apart the question whether the Gujarat
Primary Education Tribunal, Ahmedabad had jurisdiction in

the matter or not, otherwise also, I do not find any merits in this special civil application. So no need to decide this question on merits.

3. It is the case of the petitioner that on 15th June, 1971, a resignation was obtained from him by the Management of the School with the help of 30 to 40 persons forcefully. Learned counsel for the petitioner admits that the petitioner has not filed any criminal complaint against this alleged act of the Management of the school as well as against those 30 to 40 persons. However, it is the case of the petitioner that the appeal is preferred by him before the District Education Officer, Patan. This appeal was dismissed as per the case of the petitioner by that Officer. This order of the Officer was carried by the petitioner in the revision application before the State Government. It is the say of the petitioner that the State Government has set aside the order of the District Education Officer and the matter was remanded back. When the matter was pending for consideration before the District Education Officer this Tribunal was constituted and the petitioner filed an appeal before the said Tribunal.

4. In the facts of this case, it is very difficult to accept that it is a case of taking forceful resignation from the petitioner. It is a criminal act and if it is correct, then the petitioner should have filed a criminal complaint. The very fact that the petitioner has not filed any criminal complaint goes to show that whatever he is now saying before the authority is only a manufactured and concocted ground.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

zgs/-